



CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Other Various Cases being Handled by Outside Counsel (\$269,714.26), and Approve Special Allocation Covering General Litigation Matter Expenses (\$4,783.97)

MEETING DATE: April 20, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside counsel/Consultants related to the Environmental Abatement Litigation and various cases being handled by Outside Counsel in the total amount of \$269,714.26, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$4,783.97 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, and Kronick, Moskovitz, Tiedemann & Girard, JAMS and an invoice from Taylor/Price (for service of complaints) that were incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water/Wastewater accounts (\$4,783.97). Deductions are reflected in parenthesis.

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution


Matter No.	invoice No.	Date	Description	Total	Distribution		
				Amount	100351.7323	171399.7323	183453.7323
11233.021	219668	03/25/05	On -site Litigation Support	1,200.00		600.00	600.00
11233.001	219669	03/25/05	General advice	760.36	760.36		
11233.009	219669	03/25/05	Rogers v SJC	2,970.62	2,970.62		
11233.010	219669	03/25/05	Phelps v City of Lodi	1,172.79	1,172.79		
			Deduction	(120.00)	(120.00)		
11233.020	219669	03/25/05	Large Retailer Initiative	0.20	0.20		
11233.025	219669	03/25/05	City of Lodi v City of Stockton	265.55		132.78	132.78
				6,249.52	4,783.97	732.78	732.78

'Requires Special Allocation for payment from General Fund (\$4,783.97).

JAMS

Invoice No.	Date	Description	Total	Distribution	
			Amount	171399.7323	183453.7323
0000975181-100	03/16-04/08/05	Mediation Services Environmental Forensics v. City of Lodi	5 3,032.42	5 1,516.21	5 1,516.21
0000975485-110	02/17-03/31/05	Mediation Services M& P Investments	5,512.22	5 2,564.61	\$2,564.61
			\$8,161.64		

APPROVED:


Blair King, City Manager

TAYLOR/PRICE

Invoice No.	Date	Description	Total Amount	Distribution	
	12/13/04-02/25/05	Personal Service of Complaints M&P Matter and Envision Matter	\$ 5,379.00	171,399.7323	183,453.7323
				\$ 2,689.50	\$ 2,689.50

Folger Levin & Kahn - Invoices Distribution

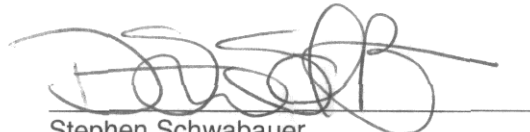
Matter No.	Invoice No.	Date	Description	Total Amount	Distribution	
					171,399.7323	183,453.7323
2001	86886	01/31/05	Lehrman v City of Lodi	10,836.81	5,418.41	5,418.41
2002	88887	01/31/05	City of Lodi v Lehman	45,173.35	22,586.68	22,586.68
2003	86888	01/31/05	Farr Associates v City of Lodi	2,710.50	1,355.25	1,355.25
2005	86889	01/31/05	Environmental Forensic v City of Lodi	3,171.50	1,585.75	1,585.75
2006	86890	01/31/05	Magellan Env v City of Lodi	1,395.50	697.75	697.75
8001	86834	01/31/05	General advice/Env Contamination	2,658.04	1,329.02	1,329.02
8002	86888	01/31/05	People v M&P Investments	150,984.59	75,492.30	75,492.30
				(5,378.50)	(2,689.25)	(2,689.25)
8006	86891	01/31/05	Fireman's Fund/Unigard Appeal	19,359.32	9,679.66	9,679.66
				(195.00)	(97.50)	(97.50)
8007	86892	01/31/05	Regulatory Agency Orders	336.00	168.00	168.00
8008	86893	01/31/05	Envision Law Group	19,747.49	9,873.75	9,873.75
				(875.50)	(437.75)	(437.75)
				249,924.10	124,962.05	124,962.05

FISCAL IMPACT: Costs in the amount of \$4,783.97 will come from the General Fund since it is related to two general liability cases and for general advice relating to miscellaneous City matters being handled by outside counsel.

FUNDING AVAILABLE:

Water	\$132,465.15
Wastewater	\$132,465.15
General Fund	\$ 4,783.97


Jim Krueger, Finance Director


Stephen Schwabauer
City Attorney